

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, AUGUST 18, 2005, 1:00 P.M.**

CALL TO ORDER

Walter Baade, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Walter Baade	Pat Haukohl	Walter Kolb
	Mareth Kipp	Ellen Gennrich	Betty Willert Gary Goodchild

Staff

Members Present: Richard L. Mace, Planning and Zoning Manager-Departed 1:55 P.M.
Kathy Moore, Senior Planner
Elfriede Sprague, Clerk III
Sheri Mount – Land Use Specialist

Guests Present:	Claudine Setzke	Bob Gohner-Briohn Bldg. Corp.	Ken Kremer
	Mark Muschinski	Wayne Slawson	Scott Bence

CORRESPONDENCE - None

MEETING APPROVAL - None

MINUTES

Submitted the June 2, 2005, June 16, 2005, and June 30, 2005 Minutes to the Commission for review.

PUBLIC COMMENT

Chairperson Baade asked if anyone from the audience wished to address the Commission? There being no one, he moved to the next item on the agenda.

• **SZT-1562 (J.B.J. Development) Town of Brookfield, Section 29 (B-2 Local Business, B-3General Business and C-1 Conservancy Districts to the R-3 Residential and C-1 Conservancy Districts)**

Mr. Mace presented the “Staff Report and Recommendation” dated August 18, 2005, and made a part of these Minutes. He pointed out the location of the property, north of Bluemound Road and west of Janacek Road in the Town of Brookfield on the aerial photograph.

Mr. Mace told the Commission that at the August 4, 2005 meeting they approved the Plan amendment for J.B.J. Development and it has now been sent to the County Board for approval. This is the second to last step for the Commission; if the rezone is approved, the petitioner will need to apply for a Conditional Use Permit. The Town has held two (2) public hearings regarding the request, with the County included in the second hearing. Mrs. Willert questioned the “apartment/condo” language and was concerned this could possibly be an apartment complex. Mr. Mace explained the Shoreland and Floodland Protection Ordinance places them both under the same provision; however, this will be a condo project. The zoning district will allow either one and a condominium is only a form of ownership. Mrs. Willert asked about the building height reduction? Mr. Mace replied it was to be reduced by an entire floor and would be dealt with in the Conditional Use phase.

Scott Bence, J.B.J. Development explained that the building height would be one (1) story below grade and two (2) story’s above grade; whereas three (3) stories above grade were originally proposed. By reducing the building height one story, the roof level will be lower than the residential homes behind the

complex. The project has been redesigned to work with the slope of the hill. Mrs. Kipp asked if there would be any screening? Mr. Bence replied there was a mature wooded tree line on the residences abutting the project, which would provide a partial buffer. Mrs. Haukohl questioned dedicating the open space to the Town of Brookfield and was concerned that the Town could resell the land sometime in the future. Mr. Mace replied the Town did not have the right to sell the land, as it had been permanently transferred. Mrs. Moore commented a Condominium Plat couldn't dedicate land, so usually a Certified Survey Map (CSM) is created for the parcel and the land is then dedicated on the CSM. There will also be a restriction placed on the Condominium Plat.

Claudine Setzke, a neighbor and spokesperson for the people in the area distributed a handout and spoke regarding the project. She expressed concerns about the size of the project, the apartment like design, and that her backyard view would be condominium rooftops. She felt the project would devalue the neighborhood property values. She expressed concerns that there would be drainage and flooding issues on Briar Ridge Road.

Mrs. Kipp asked if the building was an apartment like design, entering off a common corridor? Mr. Bence replied, "Yes, it would have a common corridor"; however, because it is a large building there is a smaller footprint with greater setbacks, allowing for more green space and common areas. The units would be 1,400 to 2,200 square feet in size and priced at \$260,000 to \$350,000; it is not an apartment building. There would be underground parking for the residents and some outside parking for visitors, deliveries, etc.

Mrs. Setzke again conveyed her concerns with the size of the project and was worried about buffering. Mr. Mace replied that buffers would be addressed at the Conditional Use phase.

After discussion, Mrs. Willert moved, seconded by Mr. Kolb and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• SCU-97C (Okauchee Lake Yacht Club) Towns of Oconomowoc and Merton, Sections 25 and 30

Mr. Mace presented the "Staff Report and Recommendation" dated August 18, 2005, and made a part of these Minutes. He pointed out the property on the aerial photograph located in the NE ¼ of Section 25, Town of Oconomowoc and the NW ¼ of Section 30, Town of Merton and stated the petitioner is asking to amend the existing Conditional Use to allow outside sailboat storage, filling and grading for an additional driveway and staging area and to modify how special events are conditioned.

Mr. Mace pointed out the unique shape of the Yacht Club's land surrounded by residential homes. The parcel was in both the Town of Merton and Oconomowoc; has approximately 100 feet of lake frontage, a long road leading to the lake and woody vegetation buffering the club from the adjacent residences. Mr. Mace presented pictures of the Yacht Club and pointed out there was no parking lot. A previous Conditional Use allowed grass parking, as there were only a limited number of events. Vehicle and boat trailer parking has now become a major issue as the patrons are parking in unauthorized areas. The proposed driveway would cut directly through a wooded area. The Commission felt the Yacht Club is asking for more uses than the property will support with an additional driveway, and the allowance of more events and activities would be incompatible with the adjacent residential uses.

After discussion Mrs. Gennrich moved, seconded by Mrs. Haukohl and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **1:45 P.M. CZ-1460 (Mark Muschinski) Town of Vernon, Section 1**

Mrs. Moore presented the “Staff Memorandum” dated August 18, 2005, and made a part of these Minutes. She pointed out the property on the aerial photograph on the east side of Guthrie School Road and south of C.T.H. “ES” and stated the petitioner is requesting a determination of compliance with Condition No. 2 of Enrolled Ordinance 157-78. Mr. Mace departed the meeting.

Mrs. Moore explained in November 2002 the property was the subject of a conditional rezoning, subject to the owner working “towards a resolution to the access issue for the resident to the south”. Mr. Muschinski has had an ingress and egress easement agreement drawn up. The resident to the south has rejected this agreement and offered his own agreement, which Mr. Muschinski feels is unreasonable and unacceptable. Before making their determination, the Town of Vernon Board would like the Commission to make their decision as to whether Mr. Muschinski has made a reasonable effort to resolve the access issue.

After discussion, Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously that the Park and Planning Commission has determined the applicant has met the intent of Condition No. 2 of Enrolled Ordinance 157-78 (CZ-1460).

• **2:00 p.m. PO-04-VNT-5 (Slawson Investments, LLC) Town of Vernon, Section 1**

Mrs. Moore presented the “Staff Report and Recommendation” dated August 18, 2005, and made a part of these Minutes. She pointed out the property on the aerial photograph located south and east of S68 W22715 C.T.H. “ES” in the Town of Vernon and stated the petitioner is requesting Site Plan/Plan of Operation approval for a recreation center including indoor and outdoor volleyball/soccer courts, indoor basketball courts, a restaurant and tavern, office space, showers and a pro shop.

Mrs. Moore indicated Slawson Investments was granted approval of CU-1386 on September 9, 2004. There are several small changes to the original Conditional Use, i.e.: building size, the type of food service and items sold, type of athletic fields. Mrs. Haukohl was concerned about the size of the holding tank. Mrs. Moore replied the petitioner is in the process of petitioning the City of Waukesha for a sewer service amendment. Mrs. Haukohl questioned Condition No. 2 relating to landscape islands in the parking area. Mrs. Moore replied the Town recommended the condition. Mr. Slawson commented he spoke with Brian Turk, Town of Vernon, and they are working on a compromise regarding the amount of curbing required. Mrs. Moore said that the Town of Vernon would need to write us a letter stating Mr. Slawson has complied with Condition No. 2.

After discussion Mrs. Haukohl moved, seconded by Mrs. Willert and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **SCU-26J (Oconomowoc Golf Club) Town of Oconomowoc, Section 34**

Mrs. Moore presented the "Staff Report and Recommendation" dated August 18, 2005, and made a part of these Minutes. She pointed out the property on the aerial photograph located at W369 N5261 Brown Street in the Town of Oconomowoc and stated the petitioner is requesting Conditional Use approval for earth altering activities in conjunction with a renovation project to the driving/practice range.

Mrs. Moore indicated the Oconomowoc Golf Club's request is for regrading the driving/practice range. The Commission felt it is appropriate to upgrade the golfcourse and the request would cause no adverse affects on the neighboring properties.

After discussion Mrs. Willert moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **SCU-1409 (Ken Kremer) Town of Summit, Section 25**

Mrs. Moore presented the "Staff Report and Recommendation" dated August 18, 2005, and made a part of these Minutes. She pointed out the property on the aerial photograph located at 934 N. Breen's Bay Road in the Town of Summit and stated the petitioner is requesting Conditional Use approval for after-the-fact grading in conjunction with the construction of a retaining wall.

Mrs. Moore pointed out the violation chronology attached to the Staff Report. She indicated Mr. Kremer has a citation issued to him and Corporation Counsel is waiting to review the Commission's decision. Mr. Kremer explained that the rear of his home is on an extremely sharp slope. He has an exposed lower level ranch home and when it rains, the small cove at the rear of his home fills with mud; he is constantly digging it out. He has not started the retaining wall yet and was seeking approval. He started moving dirt from one area of his lot to the area of the proposed retaining wall without a permit, precipitating the violation. Mrs. Gennrich asked why Mr. Kremer could not have a poured concrete retaining wall and why seven and a half (7-½) feet tall? Mr. Kolb felt a rebarred concrete wall would be the best choice and could be decorated to disguise it. Ms. Mount arrived at the meeting and said Mr. Kremer's engineer indicated one wall would be the best choice, because tiered retaining walls would no meet the 75' shore setback. Mrs. Kipp asked if he could apply for a variance? Ms. Mount replied that a variance would probably be denied, as he could not demonstrate an unnecessary hardship. She felt that Mr. Kremer did not have enough room to achieve a 3:1 slope between his house and the shoreline. Ms. Mount said Condition No. 5 should not be interpreted to mean he could not have a poured concrete wall, the intent of the condition was only that it be screened or designed to be aesthetically pleasing. Mr. Kremer asked if Condition No. 1 referred to the height of the finished grade? Ms. Mount replied, "Yes, what people would see could be no higher than 7 ft. 6 in".

After discussion Mrs. Gennrich moved, seconded by Mr. Kolb and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation" and changed Condition No. 5 to read:

- 5. The plan for wall treatment along the exposed side of the retaining wall must be approved by the Planning and Zoning Division Staff, prior to issuance of permits.*

The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

ADJOURNMENT

With no further business to come before the Commission, Mrs. Willert moved, seconded by Mr. Goodchild to adjourn at 2:38 p.m.

Respectfully submitted,

Ellen Gennrich
Secretary

EG:es

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